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APR 09 2004

In re Application of
Saldivar, et al.
Application No. 10/632,532
Filed: August 1, 2003
Attorney Docket No. RM 0001P

OFFICE OF PETITIONS

DECISION GRANTING PETITION

This is a decision on the petition filed March 1, 2004, to accord the above-identified application a filing date of August 1, 2003.

On August 1, 2003, the application was deposited.

On December 29, 2003, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings. The instant petition was filed responsively on March 1, 2004.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 18 is a method claim. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

In view of the above, the petition is **granted**.

The petition fee of \$130.00 will be refunded, in due course.

The seventeen sheets of drawings filed March 1, 2004, are noted.

The declaration filed March 1, 2004, is also noted.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of August 1, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



PATENT
ATTORNEY DOCKET NO. RM 0001P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Enrique Saldivar Art Unit:
Serial No.: 10/632,532 Examiner:
Filed: 8/01/2003
Title: Apparatus and Method to Measure Platelet Contractility

San Diego, California
March 1, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is/are the following document(s) related to the above-identified patent application:

Petition to override Notice of Incomplete Nonprovisional Application filed under 37 CFR 1.53(b) provided by Initial Patent Examination Division communication mailed December 29, 2003. Also requested is establishment of the appropriate filing date of 08/01/2003, and refund of the \$130.00 petition fee.

Papers submitted herein:

- (X) Transmittal form
- (X) Acknowledgement of Receipt Card
- (X) Fee Transmittal
- (X) Fee Check \$ 130.00
- (X) Response
- (X) New copies of Drawings (17 pages)
- (X) Evidentiary Documents

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as EXPRESS MAIL in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date written below.

Joseph A. Davidenas

Typed Name of Person

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Signature of Person

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Date: March 1, 2004

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Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>4/6/04</u>		2 Serial/Patent # <u>10/632532</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
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<input checked="" type="checkbox"/>	Petition	—	3/1/04	\$ 136.00
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	Overpayment	<input checked="" type="checkbox"/>	Treasury Check	
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TYPED/PRINTED NAME: <u>Kenya McLaughlin</u>			TITLE: <u>Petitions Att'y</u>	
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OFFICE: <u>Petitions</u>				
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APPROVED: <u>Alisa Kell</u>			DATE: <u>4-9-04</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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